

100 Jericho Quadrangle
Suite 300
Jericho, New York 11753

September 12, 2014

VIA ECF

Hon. Lawrence E. Kahn
Senior U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 424
Albany, NY 12207-2926

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

SEP 15 2014

Re: **Ben Gregory Triestman v. Kangadis Food Inc.**
Case No. 1:14-CV-01065-LEK-TWD LAWRENCE K. BAERMAN, CLERK
ALBANY

Dear Judge Kahn:

This firm represents Kangadis Food Inc., d/b/a The Gourmet Factory (the "**Debtor**") in its chapter 11 case currently pending in the United States Bankruptcy Court for the Eastern District of New York, Case No. 14-72649 (REG) (the "**Bankruptcy Case**"). The Debtor filed a voluntary petition commencing the Bankruptcy Case on June 6, 2014 (the "**Petition Date**"). As the Court is aware, pursuant to 11 U.S.C. §362, an automatic stay has been imposed against all entities, including all creditors of the Debtor, with respect to any claims or actions against the Debtor or its property.

On or about June 27, 2014, after the Petition Date, Ben Gregory Triestman filed a complaint against the Debtor in the United States District Court for the Southern District of New York, Case No. 14-cv-4970 (the "**Action**"), seeking damages for the Debtor's alleged mislabeling of Capitriti[™] brand olive oil. By correspondence, dated July 23, 2014 (the "**Stay Letter**"), this firm advised Mr. Triestman that the Action violated the automatic stay, requested that he dismiss the Action immediately, and advised him of his right to file a proof of claim. (A copy of the Stay Letter is annexed hereto).

After being served with the Notice of Deadline to File Proofs of Claim in the Bankruptcy Case, on September 10, 2014, Mr. Triestman filed a proof of claim in the Bankruptcy Case, P.O.C. No. 27, which attaches the complaint in the Action (the "**Proof of Claim**"). Notwithstanding the Stay Letter and that he filed the Proof of Claim, Mr. Triestman has not dismissed the Action and, on August 28, 2014, the Action was transferred to the United States District Court for the Northern District of New York, and is currently pending as Case No. 1:14-cv-01065-LEK-TWD.

In light of the foregoing, the Debtor requests that the Action be dismissed.



If Your Honor has any questions regarding this letter, please have a member of Your Honor's staff contact us.

Respectfully submitted,

s/ Adam L. Rosen

Adam L. Rosen

ALR/cjm

Encl.

Cc: Clerk of the United States District Court
for the Northern District of New York

Office of the United States Trustee for Region 2
Attn: Stan Y. Yang, Esq.



Adam L. Rosen
516.479.6370
ARosen@SilvermanAcampora.com

100 Jericho Quadrangle
Suite 300
Jericho, New York 11753

July 23, 2014

VIA E-MAIL AND FIRST CLASS MAIL

Ben Gregory Triestman
P.O. Box 226
Bearsville, New York 12409

**Re: Kangadis Food Inc.
Ch. 11 Case No. 14-72649 (REG)**

Dear Mr. Triestman:

This firm represents Kangadis Food Inc., d/b/a The Gourmet Factory (the "**Debtor**") in the above-referenced chapter 11 case. On June 6, 2014 (the "**Petition Date**"), the Debtor filed a voluntary petition for relief in the United States Bankruptcy Court for the Eastern District of New York.

On or about July 23, 2014, we were informed that, on or about June 27, 2014, you filed a complaint against the Debtor in the United States District Court for the Southern District of New York, Case No. 14-CV-4970 (the "**Action**"), seeking damages for the Debtor's alleged mislabeling of Capitriti™ brand olive oil.

Please be advised that, under 11 U.S.C. §362, an automatic stay has been imposed against all entities, including all creditors of the Debtor, with respect to any claims or actions against the Debtor or its property, including the prosecution of the Action. Please dismiss the Action immediately. Additionally, please be further advised that the Bankruptcy Code provides for sanctions against persons and entities that violate the automatic stay.

If you have any questions regarding this letter, please contact the undersigned.

Very truly yours,

/s/ Adam L. Rosen

Adam L. Rosen

BP/gmd

063922



**SILVERMAN
ACAMPORA
LLP**
Character is Everything®

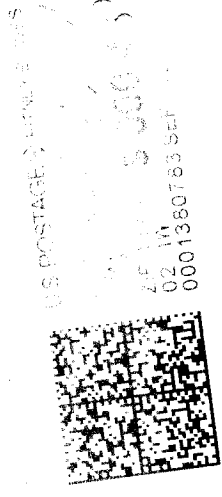
100 Jericho Quadrangle, Suite 300, Jericho, NY 11753

U.S. DISTRICT COURT
N.D. OF N.Y.

RECEIVED

SEP 15 2004

LAWRENCE K. BAERMAN, CLERK
ALBANY



Clerk of the Court
US District Court
Northern District of New York
James T. Foley Courthouse
Suite 509
445 Broadway
Albany, NY 12207



12207294899